CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt	U.S.
				ΙТ		_		_
Adip Vora		Squad #01	202106519	M	Abuse	$\overline{\mathbf{V}}$	O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	Io. S	OL	Precinct:
Friday, 10/22/2021 9:00 PM, Friday, 10/22/2021 9:30 PM, NA, 11//2021 7:00 PM		Audubon Avenue and West 172nd Street, 33rd Precinct stationhouse		4/22/2023		33		
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	e Rec	eived at CC	RB
Wed, 10/27/2021 2:19 PM		CCRB	On-line website		Wed, 10/2	27/202	21 2:19 PM	I
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Angelica Torres	17710	947547	033 PCT					
2. PO Anthony Hamosfakidis	22306	964044	033 PCT					
3. Officers			033 PCT					
4. PO Austin Hua	31961	961824	033 PCT					
5. PO Daniel Sanches	12164	961235	033 PCT					
6. PO Kenneth Brown	03847	960284	033 PCT					
7. LT William Beissel	00000	934469	033 PCT					
8. An officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. SGT Paul Dumanovsky	00267	934560	033 PCT					
2. PO Joshua Moscoso	11260	960976	033 PCT					
3. PO Rolando Mella	16037	964165	033 PCT					
4. SGT Pedro Marcano	01837	940418	033 PCT					
Officer(s)	Allegatio	n			Inv	estiga	ator Recor	nmendation
A . PO Anthony Hamosfakidis	West 172	esy: On October 22, 202 and Street, Police Office courteously to \$87(2)(5)						
B . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis threatened to seize \$87(2)(6) property.							
C . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his name to \$87(2)(b)							
D . PO Anthony Hamosfakidis	172nd St	on October 22, 2021, at A reet, Police Officer Antle his shield number to	nony Hamosfakidis i					
E . PO Anthony Hamosfakidis	West 172	esy: On October 22, 202 and Street, Police Office courteously to §87(2)(b)						
F . PO Austin Hua		on October 22, 2021, at A reet, Police Officer Aust use of a recording device	tin Hua interfered w					

Officer(s)	Allegation	Investigator Recommendation
G . PO Kenneth Brown	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown strip-searched \$87(2)(b)	
H . PO Kenneth Brown	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown frisked [5] 87(2)	
I . PO Anthony Hamosfakidis	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis spoke discourteously to \$87(2)(b)	
J . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to §87(2)(b)	
K . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to \$\frac{87(2)(b)}{2}\$	
L . LT William Beissel	Off. Language: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel made remarks to \$87(2)(b) based upon the gender of \$87(2)	
M . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to \$\frac{5}{5}\frac{57(2)(6)}{2}\$	
N . LT William Beissel	Off. Language: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel made remarks to \$87(2)(5) based upon race.	
O . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to \$\frac{8}{5}(2)(b)\$	
P . PO Anthony Hamosfakidis	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis threatened to arrest § 87(2)(b)	
Q . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened with the use of force.	
R . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened [5] 87(2)	
S . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her name to \$87(2)(b)	
T . PO Angelica Torres	Abuse: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her shield number to \$87(2)(5)	
U . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to \$\frac{5}{5}\frac{57(2)(b)}{2}\$	
V . LT William Beissel	Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Lieutenant William Beissel spoke discourteously to \$\frac{8}{5}(2)(b)\$	
W . PO Anthony Hamosfakidis	Force: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
X . Officers	Abuse: On October 22, 2021, officers damaged s property.	
Y . An officer	Abuse: In November 2021, an officer threatened to issue a summons to §87(2)(b)	
Z. An officer	Discourtesy: In November 2021, an officer spoke discourteously to \$87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

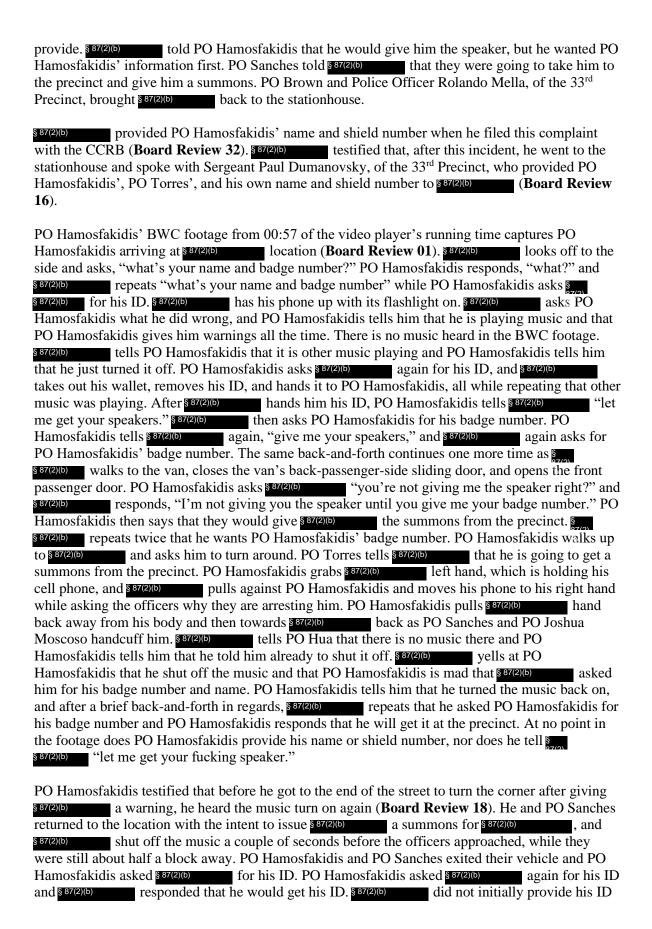
On October 27, 2021, § 87(2)(b) filed this complaint with the CCRB via the on-line website. On October 22, 2021, at approximately 9:00 PM, \$87(2)(5) was standing on the corner of Audubon Avenue and West 172nd Street in Manhattan when Police Officer Anthony Hamosfakidis, of the 33rd Precinct, spoke discourteously to §87(2)(6) and threatened to seize his property (Allegation A: Discourtesy - \$87(2)(g) ; Allegation B: Abuse of Authority - \$ 87(2)(9)). A few minutes later, PO Hamosfakidis returned with Police Officer Daniel Sanches, of the 33rd Precinct, and approached \$87(2)(6) PO Hamosfakidis did not provide his name or shield number to §87(2)(b) upon request (Allegation C: Abuse of Authority – ; Allegation D: Abuse of Authority - § 87(2)(9)). PO Hamosfakidis spoke (Allegation E: Discourtesy – \$87(2)(9)). PO Austin Hua, of the discourteously to \$87(2)(b) 33rd Precinct, interfered with § 87(2)(b) recording (Allegation F: Abuse of Authority – was arrested and brought to the 33rd Precinct stationhouse. § 87(2)(b) Inside the 33rd Precinct stationhouse, Police Officer Kenneth Brown, of the 33rd Precinct stripsearched and frisked § 87(2)(b) (Allegation G: Abuse of Authority - \$87(2)(9) H: Abuse of Authority - § 87(2)(g)). PO Hamosfakidis told § 87(2)(b) on yourself you piece of shit" (Allegation I: Discourtesy - \$87(2)(9)). Lieutenant William Beissel, of the 33rd Precinct, called §87(2)(b) a "motherfucker," "bitch," "fucking spic," and a "fucking piece of shit" (Allegations J, K, M, and O: Discourtesy – \$87(2)(9)). PO Hamosfakidis threatened Allegations L and N: Offensive Language - \$87(2)(9) (Allegation P: Abuse of Authority – § 87(2)(9)). Police Officer Angelica Torres, of the 33rd Precinct, threatened to use force against \$87(2)(6) and make his life miserable if he filed a complaint (Allegations Q and R: Abuse of Authority - \$87(2)(9) Torres refused to provide her name and shield number to \$87(2)(b) (Allegations S and T: Abuse of Authority - \$87(2)(9)). Lt. Beissel spoke discourteously to \$87(2)(b) U and V: Discourtesy - \$87(2)(9)). PO Hamosfakidis pushed § 87(2)(b)). Officers damaged § 87(2)(b) (Allegation W: Force - \$87(2)(9) speakers (Allegation X: Abuse of Authority - \$87(2)(9)) § 87(2)(b) was issued a summons as a result of this incident. In November of 2021, an officer threatened to issue a summons to \$87(2)(b) and called him a "snitch" (Allegation Y: Abuse of Authority - \$87(2)(9) ; Allegation Z: Discourtesy – § 87(2)(g) § 87(4-b) § 87(2)(g) 11 BWC videos were received in regard to this incident (**Board Reviews 01-11**). **Findings and Recommendations** Allegation (A) Discourtesy: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis spoke discourteously to \$87(2)(6) Allegation (B) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis threatened to seize §87(2)(b) property. testified that he was in a group with three or four friends, smoking marijuana about 10 feet away from his girlfriend's van, which was legally parked (Board Review 16). [397(2)(5)] had speakers installed in the van, but he was not playing music at the time, and several businesses on the street frequently played very loud music. A block north, on 173rd Street, PO Hamosfakidis temporarily stopped in his car and yelled out to \$87(2)(b) "if you turn that shit on today, I'm

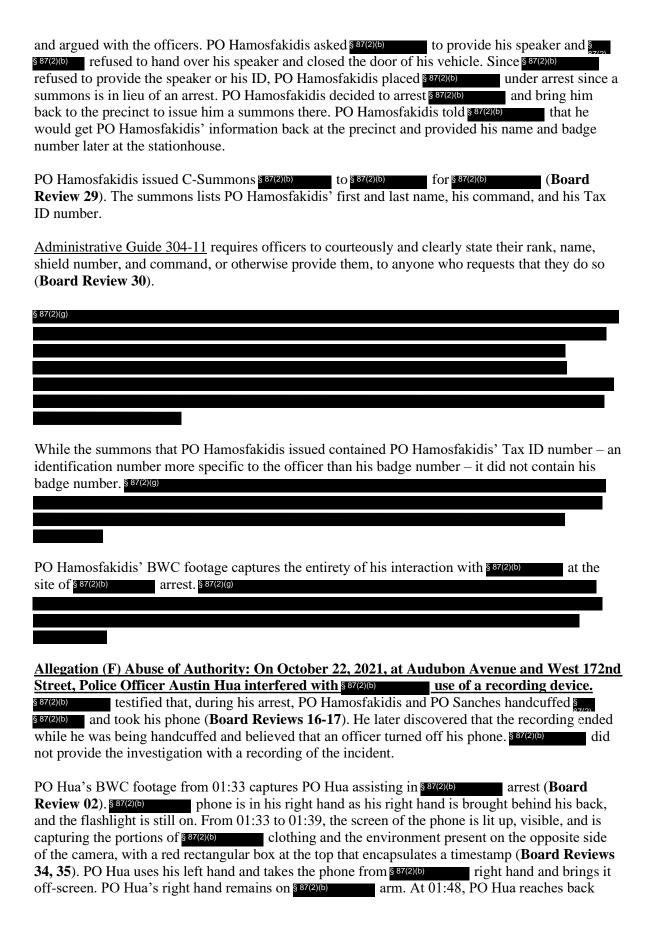
Hamosfakidis that he was hearing music that was not §87(2)(b) PO Hamosfakidis testified that he had received a number of 311 complaints at Audubon Avenue and West 172nd Street in Manhattan over the span of three days for excessive noise (**Board Review** 18). The complaints specifically described a heavyset Hispanic male playing music out of a blue van. PO Hamosfakidis and PO Sanches drove by the location and spoke with a group of individuals, including \$87(2)(b) at the location near the vehicle described in the 311 complaints. PO Hamosfakidis politely asked the group to lower the music or turn it off altogether as people were calling 311 on them. PO Hamosfakidis could not recall the exact contents of the conversation. This was not the first day that PO Hamosfakidis approached the group and would previously just tell them to turn the music down or shut it off and did not previously issue any summonses. PO Hamosfakidis could not recall exactly how many times he told the group to turn their music down in relation to 311 complaints but noted that he went at least twice. PO Hamosfakidis and PO Sanches left and came back in their vehicle at around 9:00 PM after receiving more 311 complaints. PO Hamosfakidis could not recall exactly what he said but noted that he told the group, and \$87(2)(b) specifically, again to keep the music down or shut it off because they received more complaints and did not want to have to come back. PO Hamosfakidis did not recall if he told § 87(2)(6) that he would take the speakers but believed that he could have told him so given that it was a consequence of a noise violation. PO Hamosfakidis did not tell at any point, "if you turn that shit on today, I'm taking that shit." § 87(2)(b) the music off and PO Hamosfakidis left after he issued a warning. PO Sanches, PO Hua, and PO Torres' testimonies were generally consistent with PO Hamosfakidis' (Board Reviews 19, 20, 25, 33). Allegation (C) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his name to 307(2) Allegation (D) Abuse of Authority: On October 22, 2021, at Audubon Avenue and West 172nd Street, Police Officer Anthony Hamosfakidis refused to provide his shield number to Allegation (E) Discourtesy: On October 22, 2021, at Audubon Avenue and West 172nd Street. Police Officer Anthony Hamosfakidis spoke discourteously to §87(2)(b) testified that PO Hamosfakidis, PO Sanches, and PO Torres returned shortly after his initial interaction with PO Hamosfakidis (Board Review 16-17). \$87(2)(b) began recording the officers and asked PO Hamosfakidis for his name and badge number, to which PO Hamosfakidis replied, "let me get your ID." PO Hamosfakidis did not give \$87(2)(b) his information. asked why PO Hamosfakidis wanted his ID and PO Hamosfakidis told him that he had to turn down his music, but § 87(2)(b) turned it up instead. § 87(2)(b) not playing his music at the time. PO Hamosfakidis asked \$87(2)(b) if he was refusing to provide his ID and \$87(2)(b) provided his ID to PO Hamosfakidis. PO Hamosfakidis said, "Let me get your fucking speaker," and asked \$87(2)(b) if he was not going to give him the speaker.

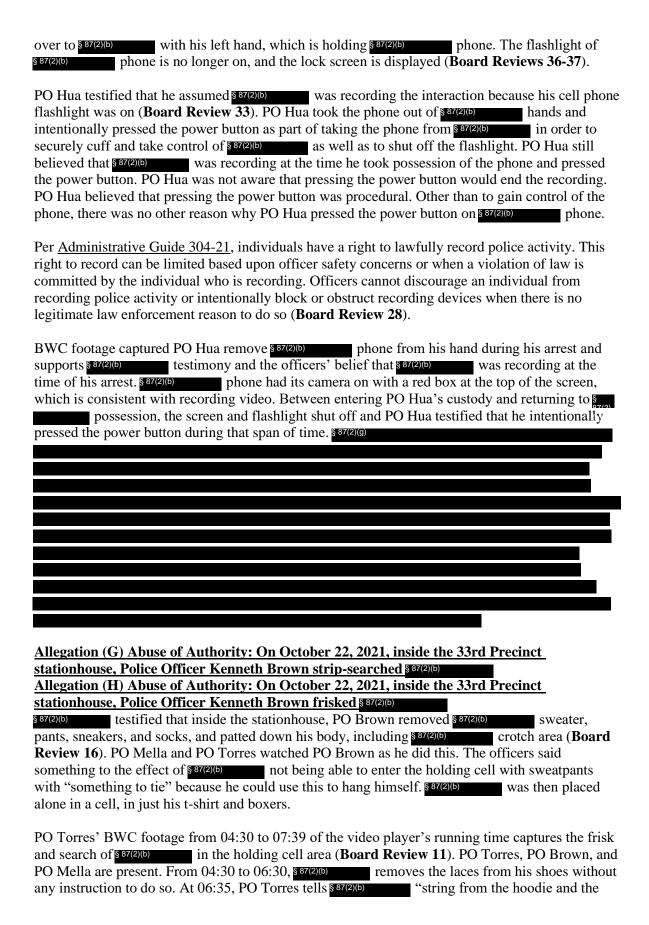
van. § 87(2)(b) told PO

taking that shit," in reference to the speakers inside §87(2)(b)

again asked PO Hamosfakidis for his name and shield number, which he refused to



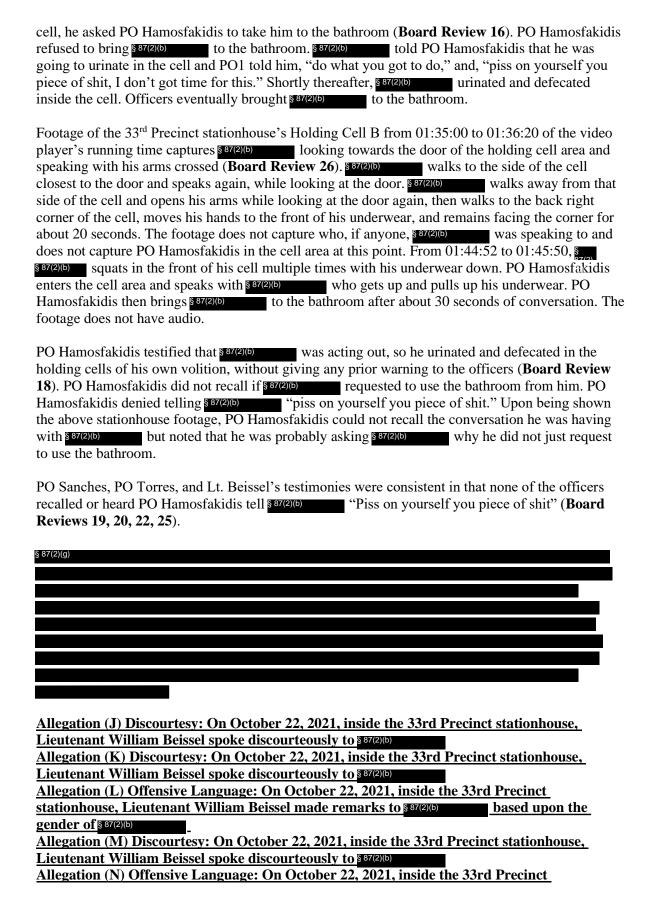


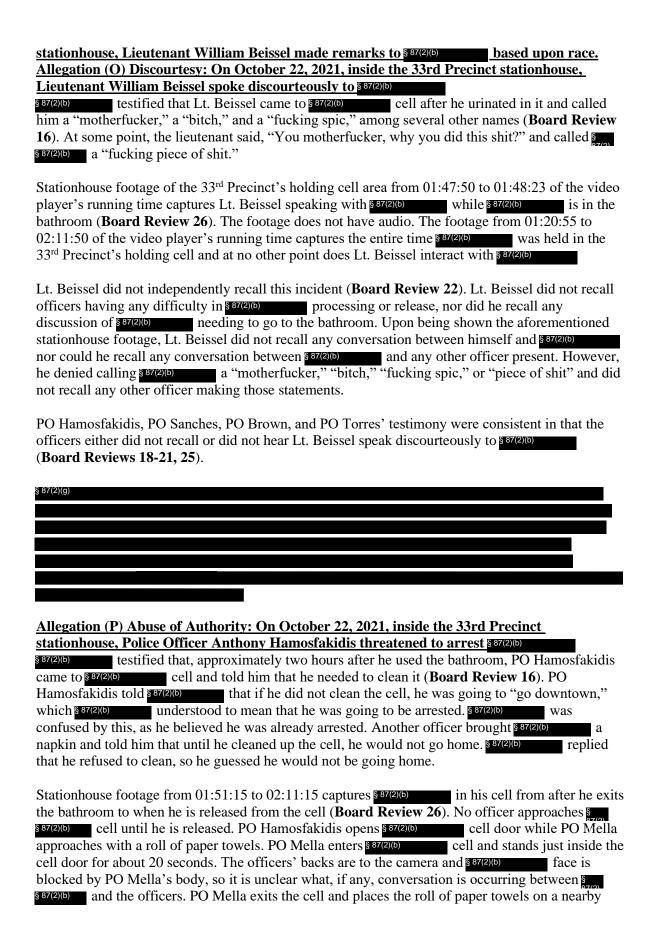


string from the sweatpants." \$\frac{87(2)(b)}{100}\$ removes his hoodie on his own while saying, "they don't come out." After \$\frac{87(2)(b)}{100}\$ removes his hoodie, PO Torres tells him, "the string from your sweatpants," and \$\frac{87(2)(b)}{100}\$ responds, "they don't come out." PO Torres tells \$\frac{87(2)(b)}{100}\$ sweatpants as soon as PO Torres tells him that he can take off his sweatpants. After \$\frac{87(2)(b)}{100}\$ removes his sweatpants, he stands up and PO Torres tells him to turn around. PO Brown approaches \$\frac{87(2)(b)}{100}\$ and tells him to put his hands on the wall. From 07:19 to 07:28, PO Brown slides his hands across \$\frac{87(2)(b)}{100}\$ shirt and boxers and adjusts \$\frac{87(2)(b)}{100}\$ boxer's waistband higher up his body. PO Brown then directs \$\frac{87(2)(b)}{100}\$ into the cell, \$\frac{887(2)(b)}{100}\$ no other officer had physical contact with \$\frac{87(2)(b)}{100}\$ At no point does any officer remove any of \$\frac{87(2)(b)}{100}\$ to remove his clothing.
PO Brown testified that he did not recall any clothing being removed from Review 21). PO Brown noted that this would be done if any clothing items could be used by the prisoner to harm themselves or if this prisoner requested for any of their clothing to be removed to avoid damaging it. PO Brown was shown the above BWC footage from PO Torres and recalled that, while in the holding cell area, 87(2)(6) said he did not want to damage his pants by removing the waistband string, since it was permanently attached. 87(2)(6) instead opted to remove his pants to enter the holding cell. PO Brown then patted 87(2)(6) down and brought him into the holding cell. PO Brown conducted this pat down since it was the procedure for when an individual was to be lodged in a cell at the stationhouse, and 87(2)(6) removing his own clothing did not modify the requirement for a pat down prior to lodging.
According to <u>Patrol Guide Procedure 208-05</u> , a strip search is any search in which an individual's undergarments are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas (Board Review 27). The <u>Procedure</u> further directs that upon arrival at the precinct of arrest or other Department facility, a member of service of the same gender as the prisoner shall conduct a thorough search of the prisoner's person and clothing to remove weapons, contraband, and evidence. A search at a police facility is not the same as a strip search and includes the removal of outer garments including sweaters, shoelaces, drawstrings, etc. All clothing not removed will be examined by grabbing, crushing, and squeezing the garments, and by sliding the hands across the body.
§ 87(2)(g)
§ 87(2)(g)
Allegation (I) Discourtesy: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Anthony Hamosfakidis spoke discourteously to \$87(2)(b)

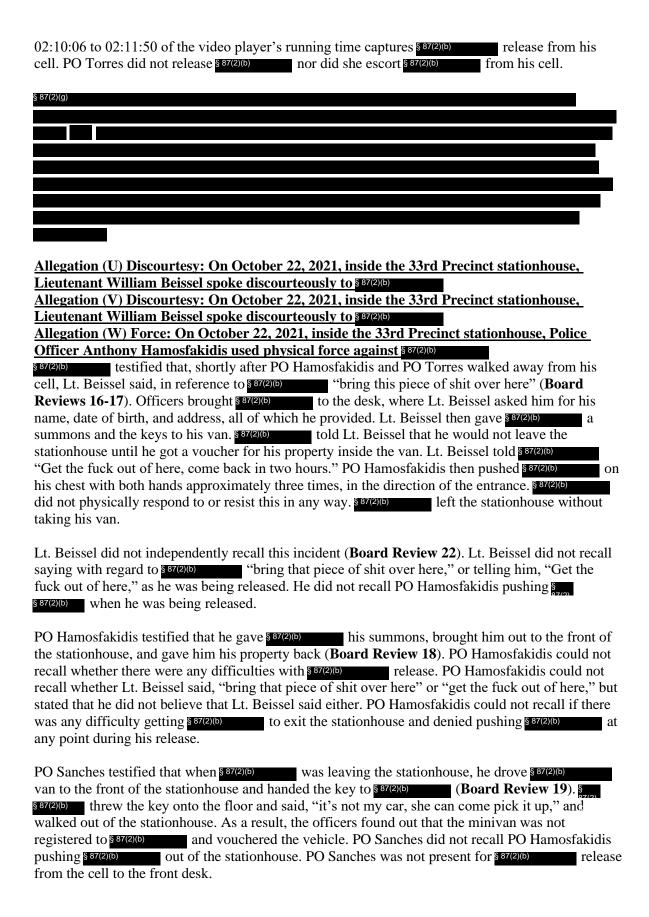
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testified that, approximately 30 minutes to an hour after he was initially placed in the

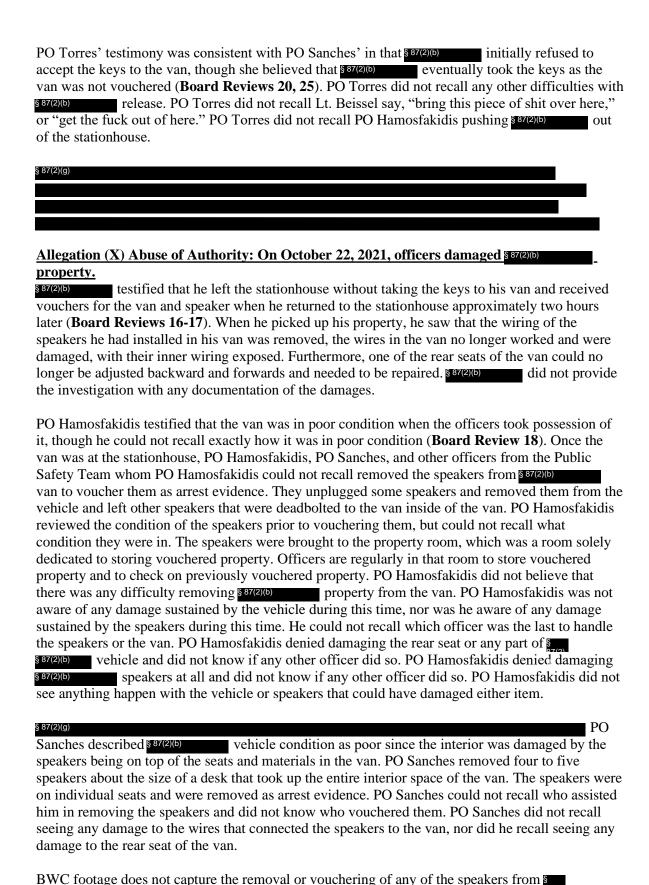




file cabinet. The officers then direct \$87(2)(b) to exit his cell and he begins to put his clothes on. The footage does not have audio. PO Hamosfakidis testified that he could not recall exactly what happened, but that he probably asked \$37(2)(b) to clean up his cell (Board Review 18). \$37(2)(b) refused to clean the cell and cursed at PO Hamosfakidis, while waving his hands around and yelling at the officers. PO Hamosfakidis denied telling 87(2)(b) that if he did not clean the cell, he would go downtown. PO Hamosfakidis understood "going downtown" to mean going to Central Booking, and since there was no reason for \$87(2)(6) to go to Central Booking there was no reason for PO Hamosfakidis to say that to § 87(2)(b) PO Sanches testified that he did not recall whether PO Hamosfakidis told § 87(2)(b) that if he did not clean the cell, he would go downtown (Board Review 19). Allegation (Q) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened §87(2)(6) with the use of force. Allegation (R) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres threatened § 87(2)(6) Allegation (S) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her name to §87(2)(6) Allegation (T) Abuse of Authority: On October 22, 2021, inside the 33rd Precinct stationhouse, Police Officer Angelica Torres refused to provide her shield number to §87(2) testified that PO Hamosfakidis and PO Torres approached him while he was in the told them that what they were doing was wrong and that he would file a complaint (Board Review 16). PO Torres told \$87(2)(b) "If you do that, I will make your life miserable." \$87(2)(b) asked PO Torres why she was threatening him, to which she replied, "it's not a threat, it's a promise." \$87(2)(b) then requested PO Torres' name and shield number, but she did not provide that information. PO Torres testified that she did not have any interaction with § 37(2)(b) while he was inside the cell (Board Review 20, 25). While in the cell, \$87(2)(6) mentioned several times that he would make a complaint against the officers and would get money out of it, and that the officers would regret bothering him. PO Torres denied telling [807(2)(b)] with regard to this, "If you do that, I'll make your life miserable." PO Torres could not recall if she had any response to him making complaints. PO Torres was one of the officers who escorted § 97(2)(5) from the cell to the desk, but she could not recall if she had any conversation with \$887(2)(b) while she escorted him from the cell to the desk, but stated that he did not request her name, shield, or other identifying information at any point. PO Torres did not provide her name, shield, or other identifying information to §87(2)(b) at any point. Stationhouse footage from 01:20:55 to 02:11:50 of the video player's running time captures the entire time §87(2)(b) was held in the 33rd Precinct's holding cell (**Board Review 26**). At no uses the bathroom does PO Torres approach \$87(2)(b) cell. At no point do PO Hamosfakidis and PO Torres approach \$87(2)(b) cell together. The footage from



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van. However, PO Sanches' BWC footage from 09:00 of the video player's running time

captures the interior condition of the van before the speakers were vouchered (**Board Review 04**). Two large speakers, about three to four feet in length, are strapped to the rear seats of the van, which are reclined backward. A third speaker sits on the floor of the van between the two rear seats, leaning backward. At 09:58, PO Sanches walks to the open trunk of the van, where two more large speakers are laid on their backs and stacked on top of one another, taking up the majority of the trunk space. A third, smaller speaker is upright and pointed out of the trunk. There is no visible damage to any of the speakers or any part of the interior of the vehicle.

PO Hamosfakidis prepared Property Invoice in which four large black/green speakers with wear and tear were vouchered as arrest evidence on October 22, 2021 (Board Review 31). The speakers were returned to 587(2)(b) on November 10, 2021.
§ 87(2)(g)
2 0. (5/(8)
Allegation (Y) Abuse of Authority: In November 2021, an officer threatened to issue a
summons to § 87(2)(b)
Allegation (Z) Discourtesy: In November 2021, an officer spoke discourteously to \$87(2)
testified that at some point in the week before \$87(2)(b) CCRB interview on
November 24, 2021, § 87(2)(b) was working and had to return home because an officer was
harassing him (Board Review 16). At approximately 7:00 PM, the officer saw §87(2)(6) and
approached him. The officer asked \$87(2)(b) "what's up with the van," and asked \$87(2)(b)
if he wanted to be summonsed again. The officer called \$87(2)(b) a snitch for filing a report.
grabbed his phone to try to record the officer, but the officer laughed and left.
repeatedly called a "male investigator" who did not pick up, and 887(2)(b) had proof
in his phone that he called. §87(2)(b) had videos on his phone of this officer harassing him from before this incident. §87(2)(b) did not provide any description of the officer other than that it
was a male officer.
was a male officer.
The investigation made repeated attempts to contact \$87(2)(b) in order to obtain the footage or a
description of the involved officer. §87(2)(b) did not respond to any contact attempts and did
not provide any videos to the investigation.
§ 87(2)(g)
§ 87(4-b) § 87(2)(g)

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	Civilian and Officer CCRB Histories This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 1 PO Torres has been a member-of-service for 13 years and has been a subject in six CCRB complaints and 11 allegations, none of which were substantiated.
	PO Hamosfakidis has been a member-of-service for four years and has been a subject in the other CCRB complaints and 12 other allegations, five of which were substantiated. CCRB 202002839 involved three substantiated allegations of discourtesy, one allegation of refusal to provide shield number, and one allegation of offensive language. The Board recommended command discipline and the NYPD has no imposed discipline.
	PO Brown has been a member-of-service for six years and has been a subject in two other CCRB complaints and seven allegations, neither of which were substantiated.
	PO Sanches has been a member-of-service of six years and has been a subject in five other CCRB complaints and seven other allegations, none of which were substantiated. §87(2)(9)
	Lt. Beissel has been a member-of-service for 17 years and has been a subject in one other CCRB complaint and one allegation, which was not substantiated. \$87(2)(9)
	Mediation, Civil, and Criminal Histories
	filed a Notice of Claim with the City of New York claiming: personal and physical injuries; an unlawful seizure; false arrest and imprisonment; malicious prosecution abuse of process; negligence; intentional and negligent infliction of emotional distress; harassment; unconstitutional conditions of confinement; and a deprivation of his constitution civil, and common right laws, and seeking \$1,000,000 as redress (Board Review 13). A 50 hearing was held on \$57(2)(0) (Board Review 14).
	[3 07(2)(0)] [33 00(1)(3)0(4)] [3 07(2)(0)]

Investigator:	Inv. Adip Vora	Inv. Adip Vora	01/27/23	
	Signature	Print Title & Name	Date	
Squad Leader:	Mgr. Joy Almeyda		01.27.23	
	Signature	Print Title & Name	Date	
Reviewer:				
	Signature	Print Title & Name	Date	